

**Minutes of the regular meeting of the Village of Upper Nyack Board of Trustees held at 7:00pm on Thursday, November 18, 2021 held virtually via Zoom**

PRESENT	Karen Tarapata Michael Esmay Laurie Dodge Jeffrey Epstein Kennon Rothchild III	Mayor Deputy Mayor, Trustee Trustee Trustee Trustee
ALSO PRESENT	Heather Candella Richard D. Fortunato Noelle C. Wolfson, ESQ Lt. JoAnne Fratianni PO Niles Davies	Village Clerk Treasurer Village Land Use Attorney Clarkstown Police Clarkstown Police

ABSENT

Meeting called to order at 7:03 PM

**Minutes – Regular Meeting – October 21, 2021**

Motion to approve October 21, 2021 Minutes of the Regular Meeting by Trustee Epstein, seconded by Trustee Dodge, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, and Dodge

NOES:

ABSTAIN: Trustee Rothchild

**Police Reports**

One (1) Motor Vehicle Accident (MVA), with no injury on Castle Heights Ave. Two (2) animal calls: N. Broadway, injured deer – unfounded; N. Midland, sick fox – fox ran off. One (1) burglary: Foss Dr – Possible rear door entry between 9:00 AM and 6:00 PM hours. One (1) Fraud/Scam: changes to mobile phone account, and money taken from Chase account, Coinbase. One (1) larceny: Oak Hill Dr - larceny of checks from mailbox. One (1) sound ordinance call at the Boat Yard. Three (3) suspicious incidents: Suspicious Incident: Highmount Av – open garage; abandoned house, suspicious person – Highmount Ave, party sitting on rock – identified as Verizon worker; suspicious person, N. Broadway – person who knocked on door, gone on arrival. County-wide overdoses 2021 YTD - 324, resulting in 56 deaths (268 survived). Clarkstown overdoses 2021 YTD - 97, resulting in 15 deaths (82 survived). Finding fentanyl in Marijuana. School, area, cultural, and religious checks are ongoing.

**Treasurer’s Report**

The Treasurer asked the Board for a Resolution to pay the interest of \$35,471.88 on the Public Improvement Bond, due December 15, 2021.

Trustee Esmay made a motion to adopt the Resolution to pay the \$35,471.88 on the Public Improvement Bond, Trustee Dodge seconded, and so approved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

The total \$30,461.83 in delinquent tax payments have been relieved to Rockland County, 14 delinquent tax payers.

Public Works Building Serial Bonds were refinanced bond at 1.2% as expected.

### **Resolution for Approval: Modification of SAM Grant – Old Stone Meeting House**

Trustee Epstein moved to approve the modification to the matching funds for the SAM Grant pertaining to the Old Stone Meeting House from \$80,000.00 to \$82,107.00. Trustee Esmay seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

### **Resolution for Approval: Nyack Community Ambulance Corps Annual Snowflake 5k**

The Nyack Community Ambulance Corps is requesting to hold their Ninth Annual Snowflake 5k race/walk on January 2, 2022, 10:00 – 11:30 AM.

Trustee Dodge moved to approve the Nyack Community Ambulance Corps Ninth Annual Snowflake 5k on January 2, 2022, Trustee Rothchild seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

ABSENT:

### **Resolution for Approval: Accept gift from Friends of River Hook of three six-foot teak park benches**

Trustee Rothchild moved approve the gift of three six-foot teak park benches from the Friends of River Hook to be placed on the River Hook Preserve, Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

**7:30 PM Continuation of Public Hearing – Yeshivath Viznitz Dkhal Torath Chaim Inc. – Application for Temporary Moratorium Variance, 350 North Highland Avenue, Village of Upper Nyack (SBL 59.16-2-3 (Upper Nyack))** Application for a variance from the temporary moratorium on land use applications, including special use permit applications, for the subject property, which is located on Route 9W in the OB (Office Business) Zoning District (*see* Local Laws 1 of 2020 and 3 of

2020 as extended), to allow the applicant to pursue the necessary land use approvals to use the subject property as a school.

Trustee Rothchild moved to adjourn the public hearing until December 16, 2021, Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

### **Discussion: Parking Violation Fees**

Mayor Tarapata is working with PO Davies of the Clarkstown PD, and the Clarkstown Town Court on updating the Village's parking tickets. The Village's parking fees are less than what Clarkstown charges per violation.

Trustee Esmay inquired where the money from the parking violation goes within the Village. Mayor Tarapata said she would research.

Mayor Tarapata noted the incorrect amount for parking violation fees are reflected on the current tickets, and that parking tickets will be updated to reflect what is outlined in the General Ordinance of a parking violation cost of \$35, and \$50 for parking in front of a fire hydrant.

### **Set public hearing date for Proposed Zoning Law**

Trustee Epstein motioned to set the public hearing for the proposed Zoning Law for the December 9, 2021 Special Meeting of the Board of Trustees. Trustee Dodge seconded and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

### **Discussion: Application for Temporary Moratorium Variance, 536 N Highland Avenue**

Trustee Rothchild motioned to set the public hearing for the Application for Temporary Moratorium Variance, 536 N Highland Avenue for the December 16, 2021 Regular Meeting of the Board of Trustees. Trustee Epstein seconded and so moved.

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

### **Resolution for Approval: Old Stone Meeting House Audio / Visual Equipment**

Trustee Epstein moved approve the quote from B&H for \$5,468.53 for installation and maintenance not to exceed \$10,000 by Louis Rampersad of audio and visual equipment at the Old Stone Meeting House, Trustee Esmay seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, and Rothchild

NOES: Trustee Dodge

## **Executive Session**

Trustee Esmay moved to open the Executive Session to discuss to pending legal matters at 7:55 PM, Trustee Dodge seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Trustee Esmay moved to end Executive Session to discuss to pending legal matters at 8:45 PM, Trustee Epstein seconded, and so moved.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

**Adjournment** – Trustee Esmay motioned to adjourn the meeting, Trustee Dodge seconded and so adjourned.

On Call for a Vote:

AYES: Mayor Tarapata, Trustees Epstein, Esmay, Rothchild, and Dodge

NOES:

Meeting was adjourned at 8:45 PM